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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,695

Applicant(s)

BLACK ET AL.

Examiner

Leslie Wong

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Receipt of Applicant's Amendment, filed 21 January 2004, is acknowledged.

Drawings

2. The drawings were received on 21 January 2004. These drawings are acceptable for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by **Newman et al.** (U.S. Patent 6,571,214 B2).

Regard claim 21, **Newman et al.** teaches a method for collecting and providing information about individuals comprising the steps of:

- a). obtaining information about individuals from at least one information provider (col. 1, lines 47-56 and col. 5, lines 46-60);
- b). entering the information about individuals into a relational database (col. 1, lines 21-35; col. 2, lines 41-43);

- c). providing access to the relational database to at least one interested entity (col. 5, lines 35-40 and col. 5, line 61 – col. 6, line 9);
- d). obtaining updated information about individuals from the at least one information provider (col. 5, lines 5-20 and lines 45-60);
- e). comparing the updated information about individuals to the information entered into the relational database (col. 5, lines 51-55);
- f). replacing the information entered into the relational database with the updated information about individuals if the updated information about individuals is more recent than the information entered into the relational database to create an updated relational database (col. 5, lines 47-55);
- g). repeating steps d through f as additional updated information about individuals is obtained from the at least one information provider (col. 5, lines 47-55).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20, 22-28, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Newman et al.** (U.S. Patent 6,571,214 B2) in view of **Spurgeon** (U.S. Patent 5,890,129).

Regarding claim 1, **Newman et al.** teaches a method of creating a relational database containing information regarding at least one individual, comprising the steps of:

- c). sorting the information into at least one searchable unit within the database (col. 5, lines 13-17); and
- d). allowing at least one entity access to the information contained in the database (col. 5, lines 35-44; col. 5, line 61 – col. 6, line 9; col. 6, lines 58-67).

Newman et al. does not explicitly teach the step of:

- a). automatically obtaining information regarding the at least one individual on a predetermined periodic basis from at least one information source (col. 3, lines 26-32, col. 4, lines 54-55, col. 8, lines 43-55);
- b). inputting the information into a relational database within a predetermined time from when the information is obtained from the at least one information source, wherein the information contained in the database is constantly replaced by the new information.

Spurgeon, however, teaches each provider interface computer stores the subscriber insurance data in its own database. The provider enters requests for specific classes of information and preferred frequency of updates. The server then pushes the customized information across the network to the client to ensure that data on the provider interface computer is always kept up-to-date (col. 3, lines 25-38; col. 7, lines 54-67; col. 8, lines 33-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow automatic update without human intervention as doing so would enable updates made directly, accurately, and automatically by the software (col. 4, lines 50-55). Thus, it would eliminate opportunities for errors and miscommunications via manual entry.

Regarding claims 2 and 14, **Newman et al.** further teaches wherein the information is personal information about at least one individual (col. 5, lines 13-17).

Regarding claim 3, **Newman et al.** further teaches wherein the at least one information source is selected from the group consisting of government agencies, professional organizations, courts, educational institutions, licensing bodies, certification bodies, and legal business entities (col. 1, lines 47-61).

Regarding claim 4, **Spurgeon** further teaches wherein the information is replaced by new information as soon as the new information becomes available (col. 4, lines 7-10, col. 3, lines 27-39).

Regarding claim 5, **Newman et al.** further teaches the step of allowing at least one individual to access the database to review personal information about the at least one individual (col. 5, lines 56-60).

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Regarding claims 6 and 15, **Newman et al.** further teaches wherein the information is provided proactively from the at least one information source (col. 5, lines 46-60).

Regarding claim 7, **Newman et al.** further teaches wherein the information is verified by the at least one information source (col. 1, lines 47-61).

Regarding claim 8, **Newman et al.** further teaches wherein the information is verified by an independent party (col. 7, lines 1-13).

Regarding claims 9, 10, and 16-18, **Spurgeon** further teaches wherein the at least one entity automatically on a periodic basis receives information from the database regarding a number of discrete individuals identified by the at least one entity to the database (col. 2, lines 64-67; col. 4, lines 7-10 and 50-55, col. 3, lines 27-39, and col. 8, lines 42-57).

Regarding claim 11, **Newman et al.** teaches a business method of creating a relational database containing information regarding at least one individual, comprising the steps of:

a). obtaining initial information about the at least one individual from at least one information source (col. 1, lines 47-56 and col. 5, lines 46-60);

b). inputting the information into a relational database (col. 1, lines 21-35; col. 2, lines 41-43)

c). sorting the information into at least one searchable unit within the database (col. 5, lines 13-17);

d). obtaining updated information from the at least one information source (col. 1, lines 47-56 and col. 5, lines 46-60);

g). repeating steps b through e as often as updated information is obtained (col. 5, lines 47-55);

f and h). allowing at least one entity access to the information contained in the database (col. 5, lines 35-44; col. 5, line 61 – col. 6, line 9; col. 6, lines 58-67).

Newman et al. does not explicitly teach the step of:

e). replacing the initial information from the at least one information source (col. 3, lines 26-32, col. 4, lines 54-55, col. 8, lines 43-55);

Spurgeon, however, teaches the subscriber insurance data is transmitted to the primary care provider's PC using push technology that automatically broadcasts the data to the PC (col. 3, lines 27-39; col. 4, lines 7-10; col. 3, lines 26-32, col. 4, lines 54-55, col. 8, lines 43-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow automatic obtaining information regarding the at least one individual on a predetermined periodic basis from at least one information source as doing so would ensure the information stored on the provider's database reflects the changes to the individuals in order to promote effective and efficient search results.

Regarding claims 12 and 13, **Newman et al.** further teaches wherein the database is owned by a database owner and wherein a payment is made by the database owner to the at least one information source for the provision of information about individuals, and wherein a payment is made by the at least one interested entity to the database owner for being provided the information about individuals (col. 5, line 61 – col. 6, line 11).

Regarding claim 19, **Newman et al.** further teaches wherein the at least one entity receives upon request information from the database regarding a number of discrete individuals identified by the at least one entity to the database (col. 5, lines 5-11).

Regarding claim 20, **Newman et al.** does not explicitly teach teaches wherein the at least one entity obtains the information about the at least one individual from the database for the purpose of determining whether the at least one entity desires to create, maintain or terminate a relationship with the at least one individual.

Spurgeon, however, teaches in addition to the new subscriber scenario, other situations will arise in which the data for the subgroup of insurance subscribers in each provider database should be updated. For instance, an existing subscriber may choose to change primary care providers in which case a deactivation message is broadcast to

the older provider and subscriber insurance data is broadcast to the new provider (col. 8, lines 42-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to obtain the information about the individual from the database for the purpose of determining whether the interested entity desires to create, maintain or terminate a relationship with the individual in order for the entity to process the information efficiently and accurately.

Regarding claim 22, **Newman et al.** further teaches transmitting the updated relational database to the at least one interested party (col. 5, lines 47-55; col. 6, lines 26-31).

Newman et al. does not explicitly teach automatically after updated information about the individuals is inputted into the relational database.

Spurgeon, however, teaches a step of updates are made directly, accurately and automatically by the software used by the insurers and providers without a requirement for manual reentry of information (col. 4, lines 52-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow automatic update without human intervention as doing so would eliminate opportunities for errors and miscommunications via manual entry (col. 4, lines 50-52).

Regarding claims 23-28, **Spurgeon** further teaches wherein the information about individuals is obtained from the at least one information source on a constant periodic basis (col. 2, lines 64-67; col. 4, lines 7-10 and 50-55, col. 3, lines 27-39, and col. 8, lines 42-57).

Regarding claim 33, **Newman et al.** teaches a system for collecting and providing information about individuals comprising the steps of:

- a.) obtaining information about at least one individual from at least one information provider (col. 1, lines 47-56 and col. 5, lines 46-60), wherein the information is selected from the group consisting of personal information, professional information, and government information (col. 1, lines 47-61);
- b.) entering the information about the at least one individual into a continuously updated relational database as the information becomes available (col. 1, lines 21-35);
- c.) providing access to the relational database to at least one entity interested in the at least one individual (col. 5, lines 35-40 and col. 5, line 61 – col. 6, line 9);
- d.) updating the relational database by comparing newer information obtained from the at least one information provider about the at least one individual to the information in the relational database and replacing the information in the relational database with the newer information about the at least one individual if the newer information about the at least one individual is more recent and different than the information in the relational database (col. 5, lines 51-55; col. 7, lines 33-64);

e). repeating step d as soon as the newer information about the at least one individual is obtained from the at least one information provider (col. 5, lines 45-55); and

f). **Newman et al.** does not explicitly teach transmitting the newer information to the at least one interested party automatically.

Spurgeon, however, teaches the subscriber insurance data is transmitted to the primary care provider's PC using push technology that automatically broadcasts the data to the PC (col. 3, lines 27-39; col. 4, lines 7-10; col. 3, lines 26-32, col. 4, lines 54-55, col. 8, lines 43-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow automatic update without human intervention as doing so would enable updates made directly, accurately, and automatically by the software (col. 4, lines 50-55). Thus, it would eliminate opportunities for errors and miscommunications via manual entry.

Regarding claim 34, **Newman et al.** does not explicitly teach wherein the at least one interested entity automatically on a periodic basis receives the newer information from the updated relational database regarding a number of discrete individuals identified by the at least one interested entity to the database.

Spurgeon, however, teaches the subscriber insurance data is imported over a LAN connection into the database on the web server. The subscriber insurance data is then transmitted to the primary care provider's PC over the Internet, or dial up access, using push technology that automatically broadcasts the data to the PC without further

human intervention. The user of the client application enters requests for specific classes of information and preferred frequency of updates (col. 4, lines 7-10; col. 3, lines 27-39; col. 7, lines 56-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow the interested entity to automatically receives update information about specific individuals in order for the entity to have access to the most update-to-date information regarding the individuals. Consequently, it would facilitate credential or profile validation processing.

Regarding claim 35, **Newman et al.** does not explicitly teach wherein the at least one interested entity obtains the information about the at least one individual from the database for the purpose of determining whether the at least one interested entity desires to create, maintain or terminate a relationship with the at least one individual.

Spurgeon, however, teaches in addition to the new subscriber scenario, other situations will arise in which the data for the subgroup of insurance subscribers in each provider database should be updated. For instance, an existing subscriber may choose to change primary care providers in which case a deactivation message is broadcast to the older provider and subscriber insurance data is broadcast to the new provider (col. 8, lines 42-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to obtain the information about the individual from the database for the purpose of determining whether the interested entity desires to create, maintain or

terminate a relationship with the individual in order for the entity to process the information efficiently and accurately.

7. Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Newman et al.** (U.S. Patent 6,571,214 B2) as applied in claim 21 above and in view of **Ferguson et al.** (U.S. Patent 5,819,092).

Regarding claim 29, **Newman et al.** teaches wherein a payment is made by the at least one interested entity to the database owner for being provided the information about individuals (col. 5, line 61 – col. 6, line 9).

Newman et al. does not explicitly teach that the database is owned by a database owner and wherein a payment is made by the database owner to the at least one information source for the provision of information.

Ferguson et al., however, teaches a third party content providers may be paid when that content provider supplies valuable information desired by users of the one line service (col. 4, lines 64-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made for a database owner to pay the content provider because it would encourage entities to supply valuable information to the database owner.

Regarding claim 30, **Newman et al.** does not explicitly teach wherein the information is obtained automatically from the at least one information source and

wherein the updated information is provided automatically to the at least one interested entity.

Spurgeon, however, teaches the subscriber insurance data is transmitted to the primary care provider's PC using push technology that automatically broadcasts the data to the PC (col. 3, lines 27-39; col. 4, lines 7-10; col. 3, lines 26-32, col. 4, lines 54-55, col. 8, lines 43-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow automatic update without human intervention as doing so would enable updates made directly, accurately, and automatically by the software (col. 4, lines 50-55). Thus, it would eliminate opportunities for errors and miscommunications via manual entry.

Regarding claim 31, **Newman et al.** does not explicitly teach wherein the at least one interested entity automatically on a periodic basis receives information from the database regarding a number of discrete individuals identified by the at least one interested entity to the database.

Spurgeon, however, teaches wherein the at least one interested entity automatically on a periodic basis receives information from the database regarding a number of discrete individuals identified by the at least one interested entity to the database (col. 4, lines 7-10, col. 3, lines 27-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow the interested entity to automatically receives update

information about specific individuals in order for the entity to have access to the most update-to-date information regarding the individuals. Consequently, it would facilitate credential or profile validation processing.

Regarding claim 32, **Newman et al.** does not explicitly teach wherein the at least one interested entity obtains the information about the at least one individual from the database for the purpose of determining whether the at least one interested entity desires to create, maintain or terminate a relationship with the at least one individual.

Spurgeon, however, teaches wherein the at least one interested entity obtains the information about the at least one individual from the database for the purpose of determining whether the at least one interested entity desires to create, maintain or terminate a relationship with the at least one individual (col. 8, lines 42-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to obtain the information about the individual from the database for the purpose of determining whether the interested entity desires to create, maintain or terminate a relationship with the individual in order for the entity to process the information efficiently and accurately.

8. Claims 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Newman et al.** (U.S. Patent 6,571,214 B2) in view of **Spurgeon** (U.S. Patent 5,890,129), and further in view of **Ferguson et al.** (U.S. Patent 5,819,092).

Regarding claim 36, **Newman et al.** further teaches wherein a payment is made by the at least one interested entity to the database owner for being provided the information about individuals (col. 5, line 61 – col. 6, line 9)

Newman et al. and **Spurgeon** do not explicitly teach that the database is owned by a database owner and wherein a payment is made by the database owner to the at least one information source for the provision of information about the at least one individual.

Ferguson et al., however, teaches a third party content providers may be paid when that content provider supplies valuable information desired by users of the one line service (col. 4, lines 64-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made for a database owner to pay the content provider because it would encourage entities to supply the valuable information to the database owner.

Regarding claim 37, **Newman et al.** teaches a business method for collecting and providing information about individuals comprising the steps of:

- a). obtaining information about at least one individual from at least one information provider (col. 1, lines 47-56 and col. 5, lines 46-60), wherein the information is selected from the group consisting of personal information, professional information, and governmental information (col. 1, lines 47-61);
- b). entering the information about the at least one individual into a relational database (col. 1, lines 21-35);

c). providing access to the relational database to at least one entity interested in the at least one individual (col. 5, lines 35-40 and col. 5, line 61 – col. 6, line 9);

d). updating the relational database by comparing newer information obtained from the at least one information provider about the at least one individual to the information in the relational database and replacing the information in the relational database with the newer information about the at least one individual if the newer information about the at least one individual is more recent and different than the information in the relational database (col. 5, lines 51-55; col. 7, lines 33-64);

e). repeating step d as soon as the newer information about the at least one individual is obtained from the at least one information provider (col. 5, lines 45-55);

9). a payment is made by the at least one interested entity to the database owner for being provided the information about the at least one individual (col. 5, line 61 – col. 6, line 9).

b). **Newman et al.** does not explicitly teach continuously updated relational database as the information becomes available;

f). **Newman et al.** does not explicitly teach transmitting the newer information to the at least one interested party automatically.

Spurgeon, however, teaches the subscriber insurance data is transmitted to the primary care provider's PC using push technology that automatically broadcasts the data to the PC (col. 3, lines 27-39; col. 4, lines 7-10; col. 3, lines 26-32, col. 4, lines 54-55, col. 8, lines 43-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow automatic update without human intervention as doing so would enable updates made directly, accurately, and automatically by the software (col. 4, lines 50-55). Thus, it would eliminate opportunities for errors and miscommunications via manual entry.

g). **Newman et al.** and **Spurgeon** do not explicitly teach a payment is made by the database owner to the at least one information source for the provision of information about the at least one individual.

Ferguson et al., however, teaches a third party content providers may be paid when that content provider supplies valuable information desired by users of the one line service (col. 4, lines 64-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow a database owner to pay the content provider because it would encourage entities to supply valuable information to the database owner (col. 4, lines 64-66).

Regarding claim 38, **Newman et al.** does not explicitly teach wherein the at least one interested entity automatically on a periodic basis receives the newer information from the updated relational database regarding a number of discrete individuals identified by the at least one interested entity to the database.

Spurgeon, however, teaches the subscriber insurance data is imported over a LAN connection into the database on the web server. The subscriber insurance data is then transmitted to the primary care provider's PC over the Internet, or dial up access, using push technology that automatically broadcasts the data to the PC without further human intervention. The user of the client application enters requests for specific classes of information and preferred frequency of updates (col. 4, lines 7-10; col. 3, lines 27-39; col. 7, lines 56-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow the interested entity to automatically receives update information about specific individuals in order for the entity to have access to the most update-to-date information regarding the individuals. Consequently, it would facilitate credential or profile validation processing.

Regarding claim 39, **Newman et al.** does not explicitly teach wherein the at least one interested entity obtains the information about the at least one individual from the database for the purpose of determining whether the at least one interested entity desires to create, maintain or terminate a relationship with the at least one individual.

Spurgeon, however, teaches in addition to the new subscriber scenario, other situations will arise in which the data for the subgroup of insurance subscribers in each provider database should be updated. For instance, an existing subscriber may choose to change primary care providers in which case a deactivation message is broadcast to

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the older provider and subscriber insurance data is broadcast to the new provider (col. 8, lines 42-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to obtain the information about the individual from the database for the purpose of determining whether the interested entity desires to create, maintain or terminate a relationship with the individual in order for the entity to process the information efficiently and accurately.

Response to Argument

Applicant's arguments filed 21 January 2004 have been fully considered but they are not persuasive.

Applicants argue that the present invention claimed collects and collates information and then sends the information to clients. Further, Applicants argue Newman teaches storing provider forms, populating such forms, and generating completed forms. On the contrary, the present invention requires no forms. The present invention deals with the collection and dissemination of raw data continuously.

In response to the preceding arguments, Examiner respectfully submits that the limitation of claim 1 previously recited “**obtaining information about individuals from at least one information provider**”. Applicants' limitation is broadly claimed reads on

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Newman's teaching of **selecting a particular physician and provider organization based on the physician's name, social security number, or any other appropriate physician or record discriminator** at col. 5, lines 5-19. The fact that an independent physician associate may extract or select a particular physician credential from a database indicates that Newman teaches the limitation as claimed. Although, Newman uses form-filling software to allow the doctor to enter his/her data and store that information in the database, since the Applicants do not clearly specify in the claim language how their invention is obtaining the information. It is submitted that Newman's uses forms to gather and store the information in the database for later retrieval met the limitation as claimed. The limitation of claim 1 presently amended to recites:

“automatically obtaining information regarding the at least one individual on a predetermined periodic basis”. Examiner submits that Spurgeon teaches the claimed limitation by automatically broadcast subscribers changed information to the related entities. For instance, in addition to the new subscriber scenario, other situations will arise in which the data for the subgroup of insurance subscribers in each provider database should be updated. An existing subscriber may choose to change primary care providers in which case a deactivation message is broadcast to the older provider and subscriber insurance data is broadcast to the new provider (col. 8, lines 42-57)

Further, Applicants argue that Newman does not disclose or claim the continuous or automatic updating of the information database so as to be able to send updated information to clients.

In response to the preceding arguments, Examiner respectfully submits that Spurgeon teaches the continuous or automatic updating features by transmitting the subscriber insurance data to the primary care provider's PC over the Internet, or dial up access, using push technology that automatically broadcasts the data to the PC without further human intervention. The user of the client application enters requests for specific classes of information and preferred frequency of updates (col. 4, lines 7-10; col. 3, lines 27-39; col. 7, lines 56-60).

Further, Applicants argue that although the use of push technology is disclosed, the way it is used, the function of its use and the result it obtains are completely different than that of the present invention. At the outset, Spurgeon pushes information from the insurer to the doctor, while the present invention pushes information gathered from the doctor and other sources to a hospital or other client.

In response to the preceding arguments, Examiner respectfully submits that Spurgeon teaches an exchange of business and clinical information between an insurer and multiple health care providers using a push technology. Newman teaches the information exchange system transmits the information to the insurer and/or to a third party review agency (col. 4, lines 7-10). Applicants' limitation recites: **"transmitting the newer information to the at least one interested party automatically"**. Spurgeon subsequently teaches in addition to the new subscriber scenario, other situations will

arise in which the data for the subgroup of insurance subscribers in each provider database should be updated. For instance, an existing subscriber may choose to change primary care providers in which case a deactivation message is broadcast to the older provider and subscriber insurance data is broadcast to the new provider (col. 8, lines 42-57). Further, Spurgeon teaches the subscriber insurance data is then transmitted to the primary care provider's PC over the Internet, or dial up access, using push technology that automatically broadcasts the data to the PC without further human intervention. The user of the client application enters requests for specific classes of information and preferred frequency of updates (col. 4, lines 7-10; col. 3, lines 27-39; col. 7, lines 56-60). Spurgeon teaches transmitting information from the insurer to the doctor as merely an example of the system operation. Spurgeon's example does not mean to limit the scope of the prior art to only transfer information from the insurer to the doctor and it is common knowledge that Applicants could use this push technology to transmit data anyway suitable for the invention. Examiner submits that based on the above-cited text portions, Spurgeon teaches the limitation as claimed.

Last, Applicants argue that Newman and Spurgeon are not combinable and that the combination does not result in the present invention. Newman is in the field of form-filling while Spurgeon is in the field of insurance claims.

In response to the preceding arguments, Examiner respectfully submits that the Applicants' invention collects and exchanges personal and professional information

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about people such as doctors and when information on an individual changes, the database is updated. The updated information is pushed out to the subscribers who need to know as indicated on page 16 of Applicants' Response. Newman teaches a medical practitioner credentialing system which provides a method to electronically store a common set of credentialing information relating to physicians and any other related health care professionals who must have their credentials verified for use in automatically generating a plurality of different provider application forms having different formats (col. 3, lines 21-28). Newman further teaches periodically the credentialing information provided by the physicians must be revised and updated to reflect any changes in the physician's credentialing status. Newman does not explicitly teach that when information on an individual changes, the database is updated and the updated information is pushed out to the subscribers who need to know on a *continuous and automatic manner*. Spurgeon, compliments the missing feature by automatically transmit updated information to the related entities such as the health care provider or third party claim processor via the push technology (col. 4, lines 7-10; col. 3, lines 27-39 and 47-62; col. 7, lines 56-60; col. 7, line 65 – col. 8, line 16). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because Spurgeon's teaching would have allowed Newman's to ensure the provider interface computer is always kept up-to-date (col. 7, lines 66-67). Moreover, the automatic update would enable updates to be made directly, accurately, and eliminate opportunities for errors and miscommunications

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via manual entry (col. 4, lines 50-55). Thus, combining Newman and Spurgeon would result in the claimed invention.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

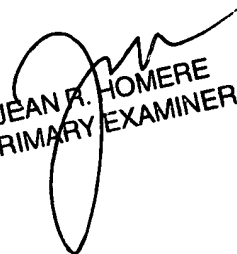
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Leslie Wong
Patent Examiner
Art Unit 2177

LW
01 April 1, 2004



JEAN R. HOMERE
PRIMARY EXAMINER